IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTO WRIT PETITION NO. 4 OF 2006

Versus

STATE OF GOA THROUGH CHIEF SECRETARY AND 4 ORS., ... Respondents

Mr. J. A. Lobo, Amicus Curiae.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the Respondent Nos. 1 to 3 and 5.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 21st March, 2007

P.C.:-

Heard Mr. J. A. Lobo, the learned Amicus Curiae and Mr. S. S. Kantak, the learned Advocate General.

This Suo Moto Writ Petition came to be registered on the basis of news item captioned "Nights of hell haunt coastal residents" which appeared on Herald dated 29-10-2006. It was evident from the said news item that certain tourism related activities had become a boon for some while for others it had become a bane. If some indulged in fun and merriment, others had to live in torture and misery affecting their right to live, guaranteed under the Constitution.

On behalf of the State, affidavits were filed by Deputy Inspector General of Police dated 12-2-2007 and the Superintendent of Police(North) dated 18-12-2006. Inbetween various complaints were also received by this Court from concerned Citizens who complained about the non implementation of the Supreme Court directions in Forum, Prevention of Environmental and Sound Pollution v. Union of India and

another((2005) 5 SCC 733) and the Noise Pollution(Regulation & Control) Rules, 2000. We were not satisfied with the affidavits filed and the same did not disclose that sufficient was being done with a view to implement the Noise Pollution(Regulation & Control) Rules, 2000 and therefore it was thought appropriate that Citizens Committees composed both of Citizens and Officials be put in place to monitor the noise pollution particularly in the coastal Areas of Goa.

Minutes of Order have been filed. The same are accepted and marked "X" for identification. There shall be an order in terms of the said minutes. In addition, we direct that the investigations, into a complaint made shall be completed within a period of 10 days and prosecutions launched within a further period of 3 days of the completion of the investigation whenever sufficient evidence has been collected to prosecute the offenders. We also direct the District Magistrate, South Goa to form Citizens Committees, for coastal belt of South Goa, as formed for North Goa District in the minutes of Order so that there is proper implementation of the Noise Pollution(Regulation & Control) Rules 2000 for South Goa District as well. This exercise be completed by the District Magistrate within a period of 30 days. A copy of this Order be sent to the District Magistrate.

With the above observations and directions, the petition stands disposed of. In case any of the Police Stations have not been provided with the decible meters the State should endeavour to provide with the same within one week from today.

S.A.BOBDE, J.

N. A. BRITTO, J.

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